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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEFINA ESCAMILLA, JOSE FERNANDO  
ESCAMILLA, and MAE and RFE, minors, by  
and through their guardian ad litem, JOSEFINA  
ESCAMILLA,

Plaintiff,

vs.

CITY OF OAKLAND; Oakland Police Sergeant  
GLOCK; Oakland police officer EDINGER;  
Oakland police officer CRABTREE; Oakland  
police officer PAPPAS; and DOES 1 through 15,  
inclusive,

Defendants.

Case No. **10-3334**  
C ~~10-3334~~ CRB

**STIPULATION AND (PROPOSED) ORDER  
FOR LEAVE TO FILE FIRST AMENDED  
COMPLAINT**

**STIPULATION**

WHEREAS Plaintiffs filed a Complaint in the instant-matter on July 29, 2010;

WHEREAS the filed Complaint fails to identify any individual defendant by their first name  
or first initial;

WHEREAS the filed Complaint fails to identify that the individual defendants are being sued  
in their individual capacities;

1 WHEREAS the filed Complaint inaccurately identifies Defendant EDINGER as an Oakland  
2 Police Department officer;

3 WHEREAS the filed Complaint does not identify an Oakland Police Department Officer,  
4 Robert Supriano, who is integral to the subject-incident;  
5

6 WHEREAS counsel for Defendant CITY represents in good-faith that Defendant Sergeant  
7 GLOCK had no personal involvement in the subject-incident until after Plaintiffs had been detained  
8 and/or arrested, and did not participate in the use of force against or arrest of any Plaintiff, the parties  
9 hereby stipulate as follows:  
10

11 Plaintiffs will file a First Amended Complaint correcting each of the above-noted errors and  
12 inaccuracies, and set forth the specific acts of each named Defendant more clearly. Defendant  
13 GLOCK is dismissed as a defendant in this action, without prejudice. Should subsequent discovery  
14 show that Defendant GLOCK was an integral participant in the use of force against and/or arrest  
15 and/or detention of Plaintiffs, Plaintiff shall move the Court to file a Second Amended Complaint  
16 identifying Sgt. GLOCK as a defendant in this action.  
17  
18

19 IT IS SO STIPULATED.

20 Respectfully submitted,

21 Dated: May 10, 2011  
22

23 By: /s/ Benjamin Nisenbaum

24 Benjamin Nisenbaum

25 **THE LAW OFFICES OF JOHN L. BURRIS**

26 Attorney for Plaintiffs  
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1 Dated: May 10, 2011

John A. Russo, City Attorney  
Randolph W. Hall, Chief Assistant City Attorney  
William E. Simmons, Supervising Trial Attorney  
Arlene M. Rosen, Senior Deputy City Attorney

4  
5 /s/ Arlene M. Rosen

Arlene M. Rosen  
Attorney for Defendants  
CITY OF OAKLAND, et al.

11 **~~(PROPOSED)~~ ORDER**

12 PURSUANT TO THE PARTIES' STIPULATIONS, Plaintiffs shall file a First Amended  
13 Complaint conforming to the parties' stipulation herein, within 20 days from the issuance of this  
14 Order.

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18 DATED: May 17, 2011

